

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
Plaintiff)	
)	
v.)	Criminal No. 06-89
)	
ALBERT RALSTIN)	

**UNOPPOSED MOTION FOR REDUCTION OF SENTENCE
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Michael J. Novara, First Assistant Federal Public Defender, respectfully files this Motion for Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2). In support thereof, counsel states as follows:

1. By plea of guilty, Mr. Ralstin was convicted of conspiracy to manufacture 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine (Count One), knowingly, intentionally, and unlawfully manufacturing 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine (Count Two), and endangering human life while illegally manufacturing methamphetamine (Count Three). On September 10, 2007, Mr. Ralstin was sentenced to an aggregate of 188 months' imprisonment. Docket No. 92. The sentence was based on a determination that Mr. Ralstin was accountable for at least 500 grams but no more than 1.5 kilograms of methamphetamine, or at least 50 grams but less than 150 grams of actual methamphetamine, which corresponded with a base offense level of 32 under the guidelines applicable at the time of sentencing. See Docket No. 91; Presentence Investigation Report, 7. Pursuant to U.S.S.G. § 2D1.10, the Court added three levels to Mr. Ralstin's base offense level, resulting in a base offense level of 35, and then imposed an additional three-level enhancement because the offense involved the manufacture of methamphetamine. Id.

The Court also reduced Mr. Ralstin's offense level two levels for his acceptance of responsibility, and an additional one level for his timely notification of his intention to plead guilty, resulting in a total offense level of 35. Id. at 8. With a criminal history category of II, Mr. Ralstin's guideline imprisonment range was 188 to 235 months. Statement of Reasons, 1. The Court imposed concurrent terms of 188 months at Counts One and Two, and 120 months at Count Three, for an aggregate term of imprisonment of 188 months. Docket No. 92.

2. Effective November 1, 2014, the United States Sentencing Commission amended U.S.S.G. § 2D1.1 to decrease the base offense levels in drugs cases by 2 levels (Amendment 782). On July 18, 2014, the Sentencing Commission determined that Amendment 782 would apply retroactively to offenders who are serving terms of imprisonment.

3. Title 18 U.S.C. § 3582(c)(2) provides:

[I]n the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o), upon motion of the defendant or the Director of the Bureau of Prisons, or on its own motion, the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.

4. Under the newly amended guideline, Mr. Ralstin's base offense level is reduced from 35 to 33, which results in the total offense level being reduced from 35 to 33. An offense level of 33 and a criminal history category of II results in a guideline imprisonment range of 151 to 188 months.

5. Accordingly, Mr. Ralstin respectfully requests that the Court reduce his sentences at Counts One and Two to 151 months, to run concurrent with his 120-month sentence at Count Three, for an aggregate term of 151 months, but in no event less than time served as of November

1, 2015.¹ By filing this motion, Mr. Ralstin agrees that his *pro se* motion (Docket No. 102) can be denied as moot.

6. The government, through Assistant United States Attorneys Troy Rivetti and Cindy Chung, does not oppose the granting of this motion.

WHEREFORE, the defendant, Albert Ralstin, respectfully requests that this Honorable Court amend his sentence to a term of imprisonment of 151 months, but in no event less than time served as of November 1, 2015, effective November 1, 2015.

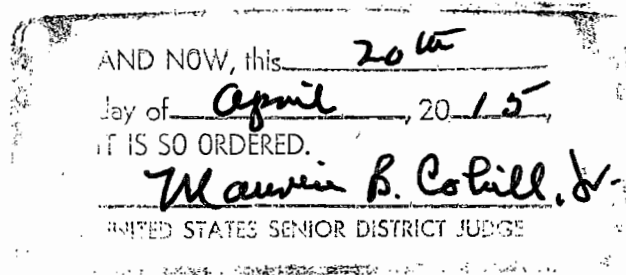
Respectfully submitted

s/ Michael J. Novara

Michael J. Novara

First Assistant Federal Public Defender

Attorney I.D. No. 66434



¹ Pursuant to § 1B1.10(e), the Court's order cannot be effective before November 1, 2015.